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February 9, 2016

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

#23 OF FEBRUARY 9, 2016

Agenda No. 7
11/24/15

PATRICK OGAWA
ACTING EXECUTIVE OFFICER

**Re: PROJECT NO. R2013-01647-(4)
COASTAL DEVELOPMENT PERMIT NO. 2013-00003-(4)
CONDITIONAL USE PERMIT NO. 2013-00166-(4)
VARIANCE NO. 2013-00004-(4)
PARKING PERMIT NO. 2013-00012-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing regarding the above-referenced permits, to authorize the demolition of all existing site facilities and amenities, and the subsequent construction of approximately 83,253 square feet of visitor-serving commercial, retail, restaurant, office, marine commercial, boater- and community-serving uses, and associated amenities and facilities, on Parcel 44 in Marina del Rey, applied for by Pacific Marina Venture, LLC.

At the conclusion of the hearing, you indicated your intent to approve the permits and instructed our office to prepare findings and conditions for your approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

MARY C. WICKHAM
County Counsel

By

JOSEPH M. NICCHITTA
Deputy County Counsel
Property Division

APPROVED AND RELEASED:

THOMAS J. FAUGHNAN
Senior Assistant County Counsel

JMN:ph
Enclosures

c: Sachi A. Hamai, Chief Executive Officer
Patrick Ogawa, Acting Executive Officer, Board of Supervisors

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. 2013-01647-(4)
COASTAL DEVELOPMENT PERMIT NO. 2013-00003-(4)
CONDITIONAL USE PERMIT NO. 2013-00166-(4)
VARIANCE NO. 2013-00004-(4)
PARKING PERMIT NO. 2013-00012-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Project No. 2013-01647-(4), consisting of Coastal Development Permit No. 2013-00003-(4) ("CDP"), Conditional Use Permit No. 2013-00166-(4) ("CUP"), Variance No. 2013-00004-(4) ("Variance"), and Parking Permit No. 2013-00012-(4) ("Parking Permit") on November 24, 2015. (The CDP, CUP, Variance, and Parking Permit are collectively referred to herein as the "Project Permits.") The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the Project Permits on August 26, 2015.
2. The permittee, Pacific Marina Venture, LLC ("permittee"), requests the Project Permits to authorize the demolition of eight existing commercial buildings totaling approximately 14,724 square feet and other existing site amenities and facilities, and the construction of eight new buildings totaling approximately 83,253 square feet, which will contain a mix of visitor-serving commercial, retail, restaurant, office, marine commercial, and boater- and community-serving uses, a surface parking lot containing 462 spaces, dry boat storage, a public waterfront promenade, a public plaza, and other site amenities and facilities (collectively, "Project") on Parcel 44 ("Parcel 44") in the unincorporated County community of Marina del Rey ("Marina").
3. The CDP is a request to authorize:
 - A. The demolition of all existing buildings, facilities, and amenities on the site, and the removal of existing vegetation from the site's proposed development area;
 - B. The construction and development on the site of: (i) eight buildings totaling approximately 83,253 square feet, which will contain visitor-serving commercial, retail, restaurant, office, marine commercial, and boater- and community-serving uses; (ii) a surface parking lot containing 462 spaces, and associated signage and landscaping; (iii) open-air dry stack boat storage for up to 56 boats, and mast up storage for up to 13 boats; (iv) a 28-foot-wide public waterfront promenade; (v) a public plaza; and (vi) associated amenities and facilities; and
 - C. The realignment of a segment of the existing Marvin Braude Bike Trail ("Bike Trail") which traverses the site.

4. The CUP is a request to authorize development of the Project and the construction of Project improvements within a "waterfront overlay zone" ("WOZ") on Parcel 44.
5. The Variance is a request to reduce the required side-yard setback from ten feet to eight feet along the northern boundary of the site along Bali Way, and to reduce the required rear-yard setback from ten feet to three feet along the western boundary of the site, adjacent to Marina Parcel 43.
6. The Parking Permit is a request to authorize valet-managed tandem parking within the Project's 462-space surface parking lot, and to allow a reduction in the number of parking spaces that would otherwise be required for the Project.
7. Parcel 44 is approximately 8.39 acres in size and is located in the Playa del Rey Zoned District, bordered by Bali Way roughly to the north, Mindanao Way roughly to the south, Admiralty Way roughly to the east, and Marina Basin G roughly to the west.
8. Parcel 44 is zoned "Specific Plan" within the Marina del Rey Local Coastal Program ("LCP"). The Marina del Rey Land Use Policy Map ("Land Use Policy Map") designates the parcel as "visitor-serving/convenience commercial" along the mole portion of the site, "marine commercial" adjacent to Admiralty Way, and "boat storage" on the southernmost portion of the site adjacent to Admiralty Way, with a WOZ.
9. The Project site is "U"-shaped, oriented around Marina Basin G to the west, with topography that slopes gently toward Marina Basin G. The site is currently developed with eight existing buildings, totaling approximately 14,724 square feet. The buildings contain office space for boat brokers, a boat repair shop, a kayak rental facility, a yacht club, and a boater restroom facility. A segment of the Bike Trail traverses the site diagonally between Bali Way and Mindanao Way.
10. Surrounding zoning within a 700-foot radius includes:

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|--------|--|
| North: | Marine commercial, water, visitor-serving/convenience commercial, office, open space, public facilities, parking, and commercial (within the City of Los Angeles); |
| South: | Visitor-serving/convenience commercial, public facilities, parking, boat storage, water, and open space; |
| East: | Office, visitor-serving/convenience commercial, and commercial (within the City of Los Angeles); and |
| West: | Open space, water, visitor-serving/convenience commercial, and hotel. |
11. Surrounding land uses within a 700-foot radius include:

- North: Yacht clubs, wet boat slips, a restaurant, office and medical uses, a bank, Yvonne B. Burke Park, a public library, public parking, and other general commercial uses (within the City of Los Angeles);
- South: A shopping center, the Marina del Rey Visitors Center, the Marina del Rey boat launch, public parking, wet boat slips, and Burton W. Chace Park;
- East: An office complex, a shopping center, and other general commercial uses (within the City of Los Angeles); and
- West: Burton W. Chace Park, wet slips, and a hotel.

12. The site plan for the Project depicts:

- A. Eight buildings of various sizes dispersed throughout the Project site, totaling approximately 82,253 square feet of building space, and covering approximately 62,915 square feet, or 17 percent, of the net area of Parcel 44. As explained in Finding No. 7, above, Parcel 44 is bordered by Bali Way roughly to the north, Admiralty Way roughly to the east, and Mindanao Way roughly to the south. The parcel forms a "U" around Marina Basin G roughly to the west, with one "leg" of the "U" to the north, one "leg" to the south, and one "leg" to the east. As depicted on the site plan:
- i. Buildings I and II are located between Mindanao Way and Marina Basin G. Building I is proposed to be developed as a boater restroom. Building II is proposed to be developed as a Trader Joe's or other specialty market.
 - ii. Buildings III, IV, V, and VI are located between Admiralty Way and Marina Basin G. Building III is proposed to be developed as a second boater restroom. Building IV is proposed to be developed with boater-serving uses, including a boater laundry facility and lounge/community room, offices, and a West Marine retail store. Buildings V and VI are proposed to be developed with retail and restaurant uses.
 - iii. Buildings VII and VIII are located between Bali Way and Marina Basin G. Building VII is proposed to be developed as a third boater restroom. Building VIII is proposed to be developed as a yacht club facility and boat repair shop.

The buildings range in height from 10 feet to 65 feet, with the taller buildings, Buildings IV (65 feet), V (35 feet), and VI (45 feet), located on the eastern portion of the site between Marina Basin G and Admiralty Way. All buildings will be oriented toward the water and away from the streets abutting the site.

- B. A boat service yard, dry stack boat storage racks accommodating up to 56 boats, and mast up storage spaces accommodating up to 13 boats located adjacent to, and associated with, Building VIII between Bali Way and Marina Basin G, at the westernmost end of the northern "leg" of the "U"-shaped parcel.
 - C. A 28-foot-wide public waterfront promenade along the Project site's water frontage. The promenade will be approximately 1,500 feet long, connect with the promenade already developed on Marina Parcels 43 and 45 to the west of the site, and will incorporate decorative paving and railings, landscaping, lighting, seating areas, and bicycle racks.
 - D. A 462-space surface parking lot dispersed throughout the Project site, and on-site parking for 100 bicycles.
 - E. Five driveways on Bali Way, four on Mindanao Way, and one on Admiralty Way which will provide ingress and egress to the Project site.
 - F. A realigned Bike Trail, traversing the site between Bali Way and Mindanao Way in a roughly straight segment along the eastern boundary of Marina Basin G, adjacent to the public pedestrian promenade to be developed on the site to the east of Marina Basin G.
 - G. An approximately 10,230-square-foot public plaza consisting of hardscape and landscape elements, located between Buildings V and VI.
 - H. Landscaping and signage throughout the Project site, including in and around the buildings, promenade, and parking areas, and at prominent corners of the site.
 - I. Nine view corridors totaling approximately 55 percent of the Project site's bulkhead frontage.
13. A shared parking analysis performed for the Project concluded that weekday peak demand for on-site parking on the Project site would be approximately 457 spaces, and weekend peak demand for on-site parking would be approximately 398 spaces. Consistent with the shared parking analysis, the Project will provide a minimum of 462 parking spaces in a surface parking lot to be developed on and dispersed throughout the site. The 462 parking spaces will consist of 258 standard spaces, 184 compact spaces, and 20 spaces set aside as disabled/accessible parking. Sixty-eight of the spaces will consist of valet-managed, tandem parking, located roughly in the northeast portion of the site adjacent to Admiralty Way. The permittee will provide additional loading spaces that will serve various on-site uses.
14. The Project will provide a minimum of 100 bicycle parking spaces on-site, including along the public waterfront promenade.

15. The Project site will take its primary access from five driveways on Bali Way to the north, four driveways on Mindanao Way to the south, and one driveway on Admiralty Way to the east. Pedestrian access to the site will be provided by the public waterfront promenade to be constructed along the site's water frontage, as well as via pedestrian walkways at the northeastern and southeastern corners of the site, at the Bali Way/Admiralty Way and Mindanao Way/Admiralty Way intersections, respectively. Bicycle access to the site will be provided by the Bike Trail which traverses the site.
16. Regional access to the Project site is provided by the Marina Expressway/Freeway (State Route 90), Lincoln Boulevard, and Pacific Coast Highway, all to the east of the site.
17. The Project entails the removal of existing landscaping and vegetation on the site, including the removal of 103 trees, and the additional removal of 24 trees in the street medians fronting the site. The Project will provide new landscaping throughout the surface parking areas on the site, and in three-to-twelve-foot-wide landscaping strips along the perimeter of the site as a means of buffering off-site views of the parking areas. A single landscaping strip will be located along the public sidewalk on the site's Bali Way frontage. A landscaping strip will be located on each side of the public sidewalk along the site's Mindanao Way and Admiralty Way frontages. Project landscaping includes a mixture of trees, shrubs, and groundcover, for a total of 56,203 square feet of landscaping, or approximately 15.3 percent of the site. The planting palette for the Project consists of non-invasive, drought-tolerant species considered appropriate for planting in the Marina, and includes the planting of 238 on-site trees and additional trees in the street medians fronting the site.

Commission Proceedings

18. Prior to the Commission's public hearing on the Project Permits, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines (California Code of Regulations, title 14, section 15000, et seq.), and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, the County Department of Regional Planning ("Regional Planning") determined that an environmental impact report ("EIR") was the appropriate environmental document for the Project. Accordingly, the County prepared a draft EIR ("Draft EIR") which evaluated the potential project-specific and cumulative environmental impacts of the Project.
19. The Draft EIR concluded the Project would result in less than significant impacts in the areas of aesthetics, air quality, geology and soils, greenhouse gases, hydrology/water quality, and public services; impacts that would be less than significant with Project mitigation in the areas of biological resources; and impacts that remain significant and unavoidable after Project mitigation in the areas of noise, traffic and access, and utilities and service systems. The Draft

EIR further concluded, based on the analysis in the Initial Study, that the areas of agricultural and forest resources, cultural resources, energy, hazards and hazardous materials, land use and planning, mineral resources, and population and housing required no further environmental review. The mitigation measures necessary to minimize significant environmental impacts to the maximum extent possible are contained in the Mitigation Monitoring and Reporting Program ("MMRP") prepared for the Project.

20. At its July 16, 2013, meeting, the Marina del Rey Design Control Board ("DCB") reviewed the Project and recommended approval of the Project's preliminary site plan.
21. On March 4, 2015, prior to the Commission's public hearing on the Project Permits, a public hearing on the Draft EIR was held before a County hearing examiner at the Marina del Rey Hotel. During the hearing, the permittee's representatives described the project and summarized its features. Members of the public raised a number of concerns, including, among other things, the Project's impacts on aesthetics, traffic, and boater access.
22. In May 2015, prior to the Commission's public hearing on the Project Permits, Regional Planning staff prepared a final EIR ("Final EIR") for the Project. In accordance with CEQA, the Final EIR consisted of the Draft EIR, responses to comments on the Draft EIR, corrections and additions to the Draft EIR which did not significantly impact the conclusions presented in the Draft EIR, and the MMRP. Also in accordance with CEQA, Findings of Fact and, because the Final EIR identified impacts to the environment which remained significant and unavoidable after mitigation, a Statement of Overriding Considerations (collectively, "Findings of Fact and SOC") were prepared for the Project.
23. The Commission held a duly-noticed public hearing on the Project Permits on August 26, 2015. Regional Planning staff gave a presentation regarding the Project, and the Director of the Department of Beaches and Harbors detailed the history of the Project and its benefits to the Marina. The permittee's representatives testified in favor of the Project, highlighting among other things the Project's creation of a boater-serving complex benefitting local boaters and accommodating an existing yacht club, its realignment of the Bike Trail along the site's water frontage, and the provision of new restaurant space and a Trader Joe's or other specialty market which will serve Marina residents and boaters. Members of the public testified in favor of and in opposition to the project. Project proponents spoke in favor of the Project's design and the boat storage to be provided on the site, among other things. Project opponents raised concerns about the Project's impact on traffic in the Marina, the removal of existing trees on the site, and the intensity of the Project.

At the conclusion of the public testimony and after Commission discussion, the Commission closed the public hearing, certified the Final EIR, and adopted the MMRP and Findings of Fact and SOC for the Project.

Appeal to the Board

24. Pursuant to Los Angeles County Code ("County Code") Section 22.60.230, a Project opponent, The Boating Coalition, appealed the Commission's approval of the Project Permits to the Board.
25. A duly-noticed public hearing on the appeal of the Project Permits was scheduled to take place before the Board on November 10, 2015. On November 10, 2015, the Board continued the public hearing on the appeal to November 24, 2015, without substantive discussion.
26. The Board conducted a duly-noticed public hearing on the appeal of the Project Permits on November 24, 2015. Regional Planning staff gave a brief presentation regarding the Project, explained that the Commission had approved the Project Permits, and that its approval was appealed to the Board by a Project opponent. The permittee's representative spoke in favor of the Project, emphasizing the Project's boater-serving amenities and its consistency with the coastal access policies of the LCP, among other things.
27. Members of the public testified both in favor of and in opposition to the Project. Project proponents testified, among other things, that the Project would: (a) revitalize aged facilities on the site; (b) support local boating uses, including an existing local yacht club; (c) serve as an appropriate gateway to the Marina for boaters, residents, and visitors; (d) increase coastal access for boaters, bikers, and pedestrians; and (e) provide space for boat brokers and a local yacht club.
28. Project opponents, including a representative of the Project appellant, testified, among other things, that: (a) the Project is not compatible with the County's Marina del Rey Vision Statement ("Marina Vision Statement"); (b) a Trader Joe's and other "big box stores" are not appropriate on Parcel 44 or on the public waterfront; (c) the Project is inconsistent with public recreation in the Marina; (d) the Project would remove existing, mature trees on the site; (e) the Project would result in significant impacts to traffic and air quality; and (f) the Project does not have sufficient parking.
29. At the conclusion of public testimony, the Director of Regional Planning ("Director") responded to comments concerning traffic and parking, explaining that an appropriate traffic study was conducted and appropriate mitigation measures were incorporated into the MMRP, and that parking on the site includes valet-managed tandem spaces to accommodate the restaurant uses on the site and to utilize the site's area to its maximum to provide coastal access. The Director further explained that the trees existing on-site include many non-native trees, and will be replaced at a ratio of over two-to-one.
30. At the conclusion of testimony and after the Director responded to comments made by the public, the Board closed the public hearing, denied the appeal,

certified the Final EIR, adopted the MMRP and Findings of Fact and SOC, and indicated the Board's intent to approve the Project Permits.

Coastal Development Permit

31. The Board finds the Project is subject to the LCP and the components of the LCP, including the Marina del Rey Land Use Plan ("LUP") and the Marina del Rey Specific Plan ("Specific Plan").
32. The Board finds the Project is consistent with the site's land use categories under the LUP. The Land Use Policy Map designates the site as "visitor-serving/convenience commercial," "marine commercial," and "boat storage," with a WOZ. Pursuant to the LUP:
 - A. The "visitor-serving/convenience commercial" land use category is intended to provide "dining facilities, retail and personal services and youth hostels."
 - B. The "marine commercial" land use category is intended to provide "coastal-related or coastal-dependent uses associated with operation, sales, storage, and repair of boats and marine support facilities."
 - C. The "boat storage" land use category is intended to provide "public and commercial boat launching and storage including public parking, ramps and associated launching hoists, dry boat storage, dry stack storage, boat rentals and instruction, and ancillary support commercial facilities associated with that use."
 - D. The WOZ is intended to provide flexibility for development of coastal-related and marine-dependent land uses on waterfront parcels, and permits uses such as visitor-serving commercial, marine commercial, and boat storage, and marine commercial, regardless of the principal permitted use on the specific parcel.

Consistent with these land use categories, the Project will provide approximately 83,253 square feet of visitor-serving commercial, retail, restaurant, office, marine commercial, and boater- and community-serving space, including dry stack and mast up boat storage.

33. The Board finds the Project is consistent with the LUP's policies related to land use. Although the Project entails the demolition of existing site improvements, including the displacement of existing boat brokerages, a boat repair shop, a kayak rental facility, a yacht club, and a boater restroom, the Project will increase the available space for such uses, and enhance recreational and visitor-serving opportunities from the Project site. In addition to other site improvements, the Project will construct office space for use by boat brokers; three new boater restroom buildings dispersed throughout the site; a new facility for use by the yacht club; a boat repair shop and service yard; and dry stack storage for

56 boats and mast up storage for 13 boats. The Project will provide multiple points of public access to the waterfront, including the construction of a new 28-foot-wide public waterfront promenade, which will connect to existing segments of the public waterfront promenade to the west of Parcel 44 on the northern and southern sides of Marina Basin G. The Project will also provide parking for bicycles and realign the Bike Trail along the waterfront, which will improve the bicycling environment along this segment of the Bike Trail, expand views of the Marina's waters, provide a more efficient path of travel through the site, and improve the safety, visibility, and design of the Bike Trail where it crosses Bali Way and Mindanao Way adjacent to the site.

34. The Board finds the Project is consistent with the LUP's policies related to shoreline access. The Project will:
- A. Construct a new 28-foot-wide public waterfront promenade, approximately 1,500 feet long along the entire bulkhead of the site, incorporating high-quality materials including decorative paving and marina-themed railing;
 - B. Connect the site's promenade with other existing segments of the promenade to the west of the site on the northern and southern sides of Marina Basin G;
 - C. Provide waterfront amenities including seating areas, decorative landscaping and lighting, bicycle racks, and gangway entrances to adjacent docks;
 - D. Orient retail and restaurant uses on the site toward the waterfront, with direct access to such uses from the promenade to be constructed on the site;
 - E. Construct a new public plaza on the site;
 - F. Allow for pedestrian access to the public waterfront promenade from Bali Way, Mindanao Way, and Admiralty Way, and from the interior of the site, including from the parking areas, between the Project's buildings, from restaurant and retail uses, and from the public plaza to be constructed on the site;
 - G. Realign a segment of the Bike Trail along the waterfront, adjacent to the public waterfront promenade to be constructed on the site, with easy access to bicycle parking and retail and restaurant uses on the site; and
 - H. Provide way-finding signage to direct visitors on the site to the public waterfront promenade and other public seating and viewing areas.
35. The Board finds the Project is consistent with the LUP's policies related to recreation and visitor-serving facilities. The Project will construct a 28-foot-wide public waterfront promenade along the entire bulkhead of the site. The new

promenade will accommodate various recreational opportunities and will include amenities such as seating areas, bicycle racks, and decorative landscaping. The Project will realign and improve the portion of the Bike Trail that traverses the site. Currently, the Bike Trail enters the Project site via shared bicycle-vehicular ingress/egress, and proceeds through the existing parking areas in the center of the site. The Bike Trail realignment will locate the trail adjacent to the expanded public waterfront promenade, away from cars and other vehicles. The Project will construct a new public plaza, approximately 10,230 square feet, which will include decorative paving and other hardscape features, landscaping, and stadium seating adjacent to the public waterfront promenade. The plaza will afford visitors and residents views of the Marina's waters. Additionally, the Project will provide surface parking throughout the site. The Board further finds the Project is appropriately conditioned to require the installation of way-finding and informational signage indicating available public and visitor-serving amenities, access to the waterfront, and recreational opportunities.

36. The Board finds the Project is consistent with the LUP's policies related to marine resources. As demonstrated in the Project plans, the site will be graded to direct storm water away from the bulkhead and toward new storm water infrastructure, including new catch basins and storm drains to collect and convey storm water away from proposed structures, and utilization of an existing 60-inch storm drain. Additionally, the Project will construct bioinfiltration areas, including planted pavement, to capture runoff from the catch basins and elsewhere on the site. The runoff will percolate through engineered soil and be discharged slowly downstream.
37. The Board finds the Project is consistent with the LUP's policies related to biological resources. Although the Project will result in the removal of 103 trees on-site and 24 trees within the street median adjacent to the site, the trees are nonnative, with some considered invasive species, and have shown no evidence of nesting or significant roosting. These trees will be replaced with 238 trees on-site and additional trees within the street median adjacent to the site, each of which will be considered appropriate for planting in the Marina, drought tolerant, and non-invasive. The Project is appropriately conditioned to comply with the tree trimming and tree removal policies of the LUP to preclude impacts to any nesting birds that may exist on the site or in the street median adjacent to the site. Finally, the Project is appropriately conditioned to require that all final materials and lighting used in the construction and operation of the Project's facilities are treated and operated to reduce the potential for bird strikes.
38. Based on the information provided in Finding No. 37, above, the Board finds the Project complies with the tree replacement requirement of the LUP, which requires one-to-one replacement of trees removed to new trees planted. The Project is appropriately conditioned to require the planting of 238 trees throughout the site and additional trees in the median adjacent to the site.

39. The Board finds the Project is consistent with the LUP's policies related to coastal visual resources. As detailed in Finding No. 44.F, below, the Project will provide extensive visual access to the shoreline and the Marina's waters across approximately 55 percent of the parcel via nine view corridors incorporated into the Project's design. These view corridors will allow both on-site views of the water and views through the site from adjacent streets. The Project will also construct a new 28-foot-wide public waterfront promenade and realign the Bike Trail along the waterfront, both of which will provide unobstructed views of the Marina's waters. Additionally, the Project is appropriately conditioned to provide directional signage to the public waterfront promenade and other public viewing areas on the site.
40. The Board finds the Project is consistent with the LUP's policies related to hazard areas. The Project is appropriately conditioned to comply with current building code requirements to ensure seismic stability and prevent impacts related to liquefaction.
41. The Board finds the Project is consistent with the LUP's policies related to circulation. The Project is appropriately conditioned to require the permittee to pay its fair share of the cost of transportation-related infrastructure for the Marina based on the projected number of trips generated by the Project. The traffic analysis prepared for the Project demonstrated that the Project would generate 411 net new p.m. peak hour trips, requiring the permittee to pay \$2,338,590 in "fair share" traffic impact mitigation fees. Additionally, the Project is appropriately conditioned to require the permittee to construct new street improvements to accommodate vehicular access to and from the site.
42. The Board finds the Project is consistent with the LUP's policies related to recreational boating. The Project will develop a number of recreational boating support facilities on the site, including a boat repair shop, a boat service yard, dry boat storage for up to 69 boats, boater restrooms, a boater laundry facility, and a boater lounge/community room. The Project also will construct a new facility which will be occupied by the yacht club currently on the site. The public waterfront promenade to be constructed on the site will incorporate connection points for gangways to access adjacent docks, boat slips, dinghy tie-up areas, and a future WaterBus stop which will be constructed on the waterside portion of Parcel 44.
43. The Board finds the Project's buildings and structures are consistent with the LUP's policies regarding the height of structures, and with the Specific Plan's site-specific development guidelines regarding the maximum height for structures. Pursuant to County Code Section 22.44.1870, the maximum height of structures on Parcel 44 is 45 feet, unless an expanded view corridor is provided pursuant to County Code Section 22.44.1060.E.5, in which case the maximum height of structures on Parcel 44 shall not exceed 75 feet. As detailed in Finding No. 44.F, below, the Project is providing approximately 35 percent more than the minimum required 20 percent view corridor. Due to the Project's

expanded view corridor, County Code Section 22.44.1060.E.5 allows Project structures to be up to a maximum of 75 feet high. In compliance with this requirement, the tallest structure on the Project site will be approximately 65 feet.

44. The Board finds the Project complies with the following communitywide design guidelines in the Specific Plan, set forth in County Code Section 22.46.1060:
- A. Landscaping. The Project will provide landscaping along the northern, southern, and eastern perimeters of the site adjacent to the surrounding streets, which landscaping will include a mixture of trees, shrubs, and groundcover. Perimeter landscaping will be located in a planting strip varying in width from approximately three-to-nine feet along the public sidewalk on Bali Way, and in planting strips on each side of the sidewalk on Mindanao Way and Admiralty Way varying in width from approximately three to 12 feet. Perimeter landscaping will buffer views of the site from surrounding roadways, while maintaining visual access to the view corridors provided as part of the Project.
 - B. Lot coverage. More than 10 percent of the Project's net lot area will be landscaped and building coverage will be less than 90 percent of the Project's net lot area.
 - C. Parking. The Project is conditioned to provide 462 vehicle parking spaces, consisting of 258 standard spaces, 184 compact spaces, and 20 disabled/accessible spaces. In addition, three "Type A" loading spaces are required for the Project, and the Project is appropriately conditioned to provide these spaces.

A total of 505 vehicle parking spaces are required for the Project pursuant to various County Code provisions. However, because the Project is providing more than the minimum required bicycle parking, the Project is entitled to a reduction in on-site vehicle parking spaces from 505 to 480 spaces pursuant to County Code Sections 22.52.1081 and 22.52.1225. Furthermore, based on the shared parking analysis performed for the Project, the Project is expected to have a peak parking demand of 457 spaces. Therefore, with the Parking Permit authorizing valet-managed tandem parking and a reduction in the required vehicle parking by 18 spaces, the Project complies with the communitywide design guidelines in the Specific Plan with respect to parking. The Board further finds the Project will provide 20 disabled/accessible spaces, more than the minimum required seven spaces. The Board further finds the Project's parking area is not appropriate to provide general shoreline access and recreational parking during peak visitation periods.

Pursuant to County Code Section 22.52.1082, not more than 40 percent of the Project's vehicle parking spaces may be compact spaces.

- D. Signage. The Project is appropriately conditioned to submit to DCB for review and approval a signage plan which complies with the requirements of DCB's Revised Permanent Sign Controls and Regulations.
 - E. Site Planning. The eight buildings to be constructed on the Project site will be of diverse size, height, and bulk, will be physically separated with view corridors between them, will avoid long, continuous obstructions of views of the water, and will be oriented toward the Marina's waters and the public waterfront promenade.
 - F. View Corridor. A view corridor of not less than 20 percent is required for Parcel 44, unless the Director determines that alternative methods of providing a view corridor are available. The bulkhead length of the Project site is approximately 1,528 linear feet. A 20 percent view corridor on the site would be approximately 306 linear feet. Compatible with the Project's design, which involves the construction of eight buildings dispersed throughout the site, the Project provides nine view corridor segments totaling approximately 843 linear feet, or approximately 55 percent of the site's bulkhead length. The Board finds these nine view corridor segments are a satisfactory alternative method for providing a minimum 20 percent view corridor on the site, allowing the Project to exceed the minimum view corridor requirement by approximately 35 percent.
 - G. Emergency Access. Fire lanes in compliance with County Fire Department and Specific Plan requirements will be constructed on the site, including adjacent to each of the Project's eight buildings. Additionally, the Project will construct a 28-foot-wide public waterfront promenade which will serve as a fire lane for emergency access along the Parcel 44 bulkhead.
45. The Board finds that, in compliance with applicable setback requirements in the Specific Plan, the Project will:
- A. Within the portion of the site designated as "visitor-serving/convenience commercial," provide a 15-foot side yard setback along the site's southern boundary along Mindanao Way and a 20- to 28-foot rear yard setback along the site's western boundary adjacent to Marina Parcel 45;
 - B. Within the portion of the site designated as "marine commercial," provide an approximately 80-foot front yard setback along the site's eastern boundary along Admiralty Way, an approximately 85-foot side yard setback along the site's northern boundary along Bali Way, and a rear yard setback of approximately 7 ½ feet along the site's western boundary adjacent to the public waterfront promenade to be constructed on the site; and

- C. Within the portion of the site designated as "boat storage," provide an approximately 85-foot front yard setback along the site's eastern boundary along Admiralty Way, an approximately 106-foot side yard setback along the site's southern boundary along Mindanao Way, and a rear yard setback of approximately 7 ½ feet along the site's western boundary adjacent to the public waterfront promenade to be constructed on the site.

The Board further finds that, within the portion of the site designated as "visitor-serving/convenience commercial," the Variance authorizes an eight-foot side yard setback along the site's northern boundary along Bali Way and a three-foot rear yard setback along the site's eastern boundary adjacent to Marina Parcel 43.

46. The Board finds the Project is consistent with Specific Plan provisions requiring that existing recreational, visitor-serving, and marine commercial uses on the site, which will be displaced by proposed development, be replaced within the Marina. The Project site is currently developed with approximately 14,724 square feet of office space for boat brokers, a boat repair shop, a kayak rental facility, a yacht club, boater restroom facility, and a segment of the Bike Trail. Although the Project entails the demolition of all facilities currently on the site, the Project will more than replace such uses by developing on-site 83,253 square feet of recreational, visitor-serving, and marine commercial uses, including among other things a Trader Joe's or other specialty market, restaurants, office space for boat brokers, a new yacht club facility with associated boat repair shop and service yard, three boater restroom buildings, a boater lounge/community room, a boater laundry facility, dry stack and mast up boat storage, an upgraded and realigned segment of the Bike Trail, a public plaza, and a new public waterfront promenade.
47. The Board finds that, in compliance with the Specific Plan, DCB reviewed and approved the Project's conceptual design at its meeting on July 16, 2013, and the Project is appropriately conditioned to present its final design to DCB for review and approval. The Board further finds that the Project's structures consist of a range of architectural types, including modern and Spanish styles, and will create an aesthetically pleasing, welcoming environment. The Board further finds the Project's design is consistent with existing development in the surrounding area, which consists of a mix of architectural styles, including modern and Spanish styles. The Board further finds the Project's open design, with all structures oriented toward the water, is an appropriate design for Parcel 44 and will benefit the Marina by providing attractive, modern, and boater- and visitor-friendly facilities in a highly visible area of the Marina.
48. Although the County adopted an updated Countywide General Plan on October 6, 2015, the Project had a complete application on August 15, 2013, and thus is subject to the goals and policies of the Countywide General Plan adopted in 1980 ("1980 General Plan"). The 1980 General Plan defers policy consistency analyses in the Marina to the LCP. Therefore, because the Project is consistent

with the LCP, as set forth in detail above, the Board finds the Project is consistent with the 1980 General Plan.

49. The Board finds that the permittee has demonstrated the suitability of the Project site for the proposed uses. The Board finds that the establishment of the proposed uses at such location is in conformity with good zoning practice. The Board further finds that the permittee's compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency will all applicable LCP and 1980 General Plan policies.

Conditional Use Permit

50. The Board finds the Project is consistent with the site's WOZ. County Code Section 22.46.1700 provides, in pertinent part, that the WOZ "is designed to encourage coastal-related and coastal-dependent land uses while increasing development flexibility." Pursuant to County Code Section 22.46.1720.A, parcels within a WOZ may include any principal permitted use, permitted use, or use subject to additional permits in the "hotel," "visitor-serving/convenience commercial," and "marine commercial" land use categories, provided a conditional use permit has first been obtained. The Project provides uses which are permitted in the "visitor-serving/convenience commercial" and "marine commercial" land use categories, including but not limited to retail and restaurant uses, boater-serving uses and facilities, and boat repair and storage. Consistent with the WOZ, the Project's buildings are oriented toward the waterfront, are accessible to boaters and pedestrians using the public waterfront promenade to be constructed on the site, and will complement and enhance recreational boating within the Marina.
51. The Board finds the Project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in and around the site. The Project is compatible with the surrounding community and will bring beneficial uses, including a Trader Joe's or other specialty market, restaurants, and expanded opportunities for boaters and boater-serving uses, to the northeastern portion of the Marina. By providing a new 28-foot-wide public waterfront promenade and a public plaza, and by enhancing and realigning the Bike Trail, the Project increases accessibility to the waterfront for Marina residents and guests, and provides connectivity to existing promenades to the west of the site. With the Parking Permit, the Project will contain sufficient on-site parking so as not to impact surrounding uses. For these reasons, the Board further finds the Project will not be materially detrimental to the use, enjoyment, or valuation of property or persons in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
52. The Board finds the Project is accessible via Bali Way to the north, Mindanao Way to the south, and Admiralty Way to the east, each of which are existing fully-improved parkways capable of accommodating the Project.

53. The Board finds the Project is adequately served by public or private utilities and services. The Marina is an urbanized community served by existing urban services and utility systems. The Project is currently served by existing urban services and infrastructure including water, sewer, solid waste, schools, police, fire, library, and parks.
54. The Board finds the Project is adequate in size and shape to accommodate development of the Project. The Project design, which has been conceptually approved by DCB, is sensitive to surrounding uses. The Project will revitalize Parcel 44, making it a unique and desirable destination for residents, visitors, and boaters.
55. The Board finds the Project's height, massing, and appearance are similar to many of the structures in the vicinity of the Project site. The Project will develop its taller buildings on the eastern portion of the site, which is compatible with the height pattern of existing development in the area, including a high-rise office building to the east of the site. The Project will integrate well into, and will revitalize, the surrounding area.

Variance

56. The Board finds Parcel 44 is irregularly shaped, forming a "U" around Basin G to the west. The site's unusual shape and orientation, which is unique within the Marina, limits development on the site and hinders the permittee's ability to implement the Project's "visitor-serving/convenience commercial," "marine commercial," and "boat storage" land use designations, as well as the WOZ, while designing a project which meets applicable development standards. Additionally, construction of the 28-foot-wide public waterfront promenade, which is an LCP requirement, and the presence of the Bike Trail further inhibit development on the site and constrains the effective arrangement of proposed buildings on the site.
57. The Board finds the Project is subject to special circumstances and exceptional characteristics which are not generally applicable to other properties in the Marina under identical zoning classification or land use designation. The Board finds that the reduction of the required setbacks, as detailed in Finding No. 45, above, are necessary to preserve the permittee's right to develop the Project, which right is enjoyed by other lessees in parcels with similar zoning and land use designations.
58. The Board finds the Project, with the reduced setbacks, is adequately served by emergency access along all sides of the site, and within the site.
59. The Board finds the Project, with the reduced setbacks, will be located entirely on Parcel 44 and designed and operated in a way that will not negatively impact surrounding land uses, including the Marina's waters. In particular, the Board finds the Project is appropriately conditioned to limit the height of the dry stack

and mast up boat storage facilities adjacent to the public sidewalk along Bali Way, which will adequately minimize visual, bulk, and operational impacts to passing pedestrians and vehicles, and ensure conformity with the LCP. The Board further finds the dry boat storage facilities will not impact uses on adjacent parcels, including the surface parking area located on Parcel 43 to the west.

60. The Board finds the Project, with the reduced setbacks, will provide amenities for the public to access the Marina waterfront, including a 28-foot-wide public waterfront promenade, a public plaza, and an enhanced and realigned segment of the Bike Trail, will not interfere with pedestrian access from surrounding streets to the waterfront, and will allow public access to the waterfront through the site. The Board further finds that the Project's public waterfront promenade will be developed with recreational amenities, including seating areas, decorative landscaping and lighting, and bicycle racks, and will allow access to gangways leading to adjacent docks and boat slips.

Parking Permit

61. The Board finds the Project will provide not less than 462 vehicle parking spaces for the Project, of which 68 will valet-managed, tandem spaces. Although 480 vehicle parking spaces are required by applicable County Code provisions, the Board finds that, with the Parking Permit, the Project will provide sufficient on-site parking to accommodate the Project's proposed uses.
62. The Board finds the Project is appropriately conditioned to require valet management of the 68 tandem parking spaces to ensure no conflicts arise with respect to vehicular access, internal circulation, or site ingress and egress, and to limit spillover parking into the surrounding neighborhood. The Board further finds the Project's valet-managed, tandem parking arrangement will result in a coordinated, efficient parking operation that should reduce traffic congestion, off-site parking, and the use of parking facilities developed to serve surrounding properties.
63. The Board finds the Project's utilization of tandem parking spaces consolidates on-site parking into a smaller space, resulting in reduced visual impacts associated with large surface parking areas.
64. The Board finds the Project site is adequate in size and shape to accommodate development of the Project, as detailed in Finding No. 54, above.

CEQA

65. The Board finds the Final EIR for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. The Board finds, after reviewing and considering the Final EIR, along with its associated MMRP and Findings of Fact and SOC, that they reflect the independent judgment of the Board. The Findings of Fact and SOC are incorporated herein by this reference, as if set forth in full.

66. The Board finds the MMRP for the Project identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment by the Project. The Board further finds that the MMRP's requirements are incorporated into the Project's conditions of approval.
67. The Board finds that, with the approval of the MMRP and the conditions of approval for the Project, all significant effects on the environment from the Project have been eliminated or substantially lessened, except for those remaining significant effects on the environment found to be unavoidable, as set forth in the Final EIR and in the Findings of Fact and SOC. The Board further finds such remaining significant effects on the environment are acceptable due to overriding concerns, as set forth in the Findings of Fact and SOC.

The Appeal Is Without Merit

68. The Project appellant, The Boating Coalition, appealed the Project on the grounds that the Project "would completely hinder access to the public recreational lands in Marina del Rey at the 'Gateway to the Marina' as cited in the [Marina Vision Statement]. This would contradict the County's [Marina Vision Statement]."
69. The Project appellant submitted subsequent correspondence challenging the Commission's approval of the Project on the following additional grounds: (a) the permittee misrepresented to the Commission whether Trader Joe's had committed to the Project; (b) the Final EIR, and the associated Findings of Fact and SOC, are deficient and inconsistent with the Marina Vision Statement because the environmental documents fail to discuss Parcel 44 as the "Gateway to the Marina;" (c) the Initial Study incorrectly concluded the Project would not have significant impacts to the areas of land use planning, public services, and service systems; (d) the Initial Study contradicts the Final EIR and Findings of Fact and SOC, insofar as the Initial Study concluded the Project will increase connectivity to the site within the Marina, and would not substantially affect the ability of existing schools, parks, or libraries to meet established standards of service levels; (e) environmental review for the Project failed to consider "other pertinent information" showing the Project would result in cumulatively considerable impacts in the area of traffic; (f) the County did not properly analyze gas and safety issues on the site; (g) the Project's trip generation rates are underestimated; (h) the County and the City of Los Angeles should impose mitigation measures to ensure no significant traffic impacts to shared County-City jurisdiction intersections; and (i) the Project violates the Parcel 44 lease between the County and the permittee.
70. With respect to the Project appellants' contentions described in Finding No. 68 and 69(b), the Board finds the Project is consistent with the Marina Vision Statement. According to the Purpose section of the Marina Vision Statement, the Marina Vision Statement "establishes a framework to guide future decision-making on development, policies, and development standards as land use

opportunities, economic/market conditions, special needs, and other opportunities arise or become available." The Marina Vision Statement identifies the following goals, among others, for the Marina: (a) to create a vibrant destination for all Los Angeles County residents and visitors; (b) support boating and other water-oriented activities; (c) provide low-cost access to the Marina's waterfront and amenities; (d) provide a desirable place to recreate and live; and (e) achieve County goals for economic development and revenue-generation by encouraging reinvestment in properties. The Board finds the Project is consistent with these goals. By redeveloping a presently underutilized parcel with attractive visitor-serving and boating-related uses, the Project contributes to the overall welfare of the Marina, creates a site desirable for both visitors and Marina residents, offers low-cost waterfront access by realigning and upgrading a segment of the Bike Trail and by constructing a public plaza and public waterfront promenade on the site, and fosters reinvestment in an important Marina parcel. The Board further finds the Project is appropriate for Parcel 44. The Project will feature as a key destination for Marina visitors and residents alike. The Project's commercial uses will be located along Mindanao and Admiralty Ways, which are primary streets providing regional access into and through the Marina. As such, the commercial uses will be located at a primary intersection lined with existing "visitor-serving/convenience commercial" uses, including the Marina del Rey Visitors Center. The Board further finds the Final EIR and Findings of Fact and SOC are consistent with the Marina Vision Statement.

71. With respect to the Project appellant's contention described in Finding No. 69(a), the Board finds the Project proposes to include a Trader Joe's or other specialty market. The Board finds this information was properly presented to and considered by the Commission and the Board.
72. With respect to the Project appellant's contention described in Finding No. 69(c) and (d), the Board finds the Final EIR, together with the Initial Study and the Findings of Fact and SOC, properly analyzed the Project's impacts to the areas of land use planning, public services, and utilities and service systems. The Board further finds the Initial Study is consistent with the Final EIR and the Findings of Fact and SOC.
73. With respect to the Project appellant's contention described in Finding No. 69(e), the Board finds the Final EIR, together with the Findings of Fact and SOC, appropriately analyzed the Project's cumulative impacts in the area of traffic and concluded the Project's impacts were significant and unavoidable. The reasons for approving the Project despite this finding of an unavoidable significant impact to traffic are set forth in the Findings of Fact and SOC and in these Findings.
74. With respect to the Project appellant's contention described in Finding No. 69(f), the Board finds the Final EIR properly investigated and considered whether existing oil wells and oil fields would be impacted by the Project. The Final EIR concluded that no active or abandoned oil fields exist on the site, and the Board finds no evidence in the record of any such active or abandoned oil field. The

Board further finds an appropriate methane investigation report was prepared for the Project by Methane Specialists, dated September 19, 2012. The report concluded that no significant methane gas pressure was detected on the site.

75. With respect to the Project appellant's contention described in Finding No. 69(g), the Board finds that trip generation rates for the Project were appropriately calculated based on the Marina specific trip generation rates included in the LCP, which the Board finds accurately represent the trip generation activity for development within the Marina. The Board further finds no evidence in the record to support the Project appellant's contention that trip generation rates for the Project have been underestimated.
76. With respect to the Project appellant's contention described in Finding No. 69(h), the Board finds that the MMRP contains those feasible mitigation measures necessary to substantially lessen the Project's impacts on the environment, including in the area of traffic. The Board further finds that the Project's impacts to traffic which are significant and unavoidable are appropriately identified and analyzed in the Final EIR, and that overriding considerations support approving the Project as set forth in the Findings of Fact and SOC.
77. With respect to the Project appellant's contention described in Finding No. 69(i), the Board finds the Project is consistent with the Parcel 44 lease, including all amendments, addenda, and supplements thereto. The Board finds the approval of the Project would cause no inconsistency or violation of the lease terms, based on the language referred to by the Project appellant or otherwise. The Board further finds it is within the Board's discretion to approve new or different lease terms to allow for the development of the Project, if needed.
78. For the reasons stated in Findings Nos. 70 through 77, inclusive, above, and for the other reasons stated in and incorporated into these Findings, the Board finds the appeal is without merit.
79. The Board has duly considered all of the issues and information contained in the oral testimony and written correspondence given to the Board in opposition to the Project, as well as the issues and information contained in the oral testimony and written correspondence given to the Board in response thereto by Regional Planning staff and the permittee. The Board finds that the opposition testimony and written correspondence do not identify substantial evidence that the environmental review for the Project violated CEQA. The Board further finds that it has not been presented with credible evidence that the Project will cause the environmental impacts that Project opponents identified in their testimony and written correspondence.
80. The Board finds the Project will have an impact on fish and wildlife resources and thus is not exempt from Fish and Game fees pursuant to California Fish and Game Code section 711.4.

81. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials is the Section Head of the Special Projects Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

Regarding the Coastal Development Permit:

- A. The proposed development is in conformity with the certified Marina del Rey LCP.
- B. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the California Public Resources Code.

Regarding the Conditional Use Permit:

- A. The proposed use with the attached conditions and restrictions will be consistent with the 1980 General Plan.
- B. With the attached conditions and restrictions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in the Zoning Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and is adequately served by other public or private service facilities as are required.

Regarding the Variance:

- A. There are special circumstances or exceptional characteristics applicable to the property involved such as size, shape, topography, location, and surroundings which are not generally applicable to other properties in the same vicinity and under identical zoning classification.

- B. The requested Variance is necessary for the preservation of a substantial property right of the permittee such as that possessed by owners of other property in the same vicinity or zone.
- C. The granting of the requested Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
- D. The granting of the requested Variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

Regarding the Parking Permit:

- A. There will be no need for the number of vehicle spaces required by Part 11 of Chapter 22.52 of the Zoning Code because the nature of the use is such that there is a reduced occupancy.
- B. The reduction in the number of vehicle parking spaces will be offset by the provision of bicycle parking spaces, at a minimum ratio of two bicycle spaces for every one vehicle parking space above the minimum number of bicycle parking spaces otherwise required by the Zoning Code.
- C. There will be no conflicts arising from special parking arrangements allowing tandem spaces because vehicle parking facilities using tandem spaces will employ valets to insure a workable plan.
- D. The requested Parking Permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.
- E. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in the Zoning Code.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Certifies that the Final EIR for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Board as to the environmental consequences of the Project; indicates that it certified the Final EIR at the conclusion of its hearing on the Project Permits and adopted the Findings of Fact and SOC and MMRP, finding that pursuant to California Public Resources Code section 21081.6 the MMRP is adequately designed to ensure compliance with the mitigation measures during Project implementation; found that the unavoidable significant effects of the Project after adoption of said mitigation measures are described in those Findings of Fact and

SOC; and determined that the remaining, unavoidable environmental effects of the Project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the Findings of Fact and SOC; and

2. Approves Coastal Development Permit No. 2013-00003-(4), Conditional Use Permit No. 2013-00166-(4), Variance No. 2013-00004-(4), and Parking Permit No. 2013-00012-(4), subject to the attached conditions.

**CONDITIONS OF APPROVAL
PROJECT NO. 2013-01647-(4)
COASTAL DEVELOPMENT PERMIT NO. 2013-00003-(4)
CONDITIONAL USE PERMIT NO. 2013-00166-(4)
VARIANCE NO. 2013-00004-(4)
PARKING PERMIT NO. 2013-00012-(4)**

1. This grant authorizes:

A. A coastal development permit for:

- i. The demolition of all existing buildings, facilities, and amenities on Parcel 44 ("Parcel 44") in the unincorporated County community of Marina del Rey ("Marina"); and the removal of existing vegetation from the project's proposed development area on Parcel 44;
- ii. The construction and development on Parcel 44 of: (a) eight buildings totaling approximately 83,253 square feet, which will contain visitor-serving commercial, retail, restaurant, office, marine commercial, and boater- and community-serving uses; (b) a surface parking lot containing 462 spaces, and associated signage and landscaping; (c) open-air dry stack boat storage for up to 56 boats, and mast up storage for up to 13 boats; (d) a 28-foot-wide public waterfront promenade; (e) a public plaza; and (f) associated amenities and facilities; and
- iii. The realignment of a segment of the Marvin Braude Bike Trail that traverses Parcel 44.

B. A conditional use permit for development and construction within a "waterfront overlay zone" on Parcel 44.

C. A variance to reduce the side-yard setback from 10 feet to eight feet along the northern boundary of the site along Bali Way, and to reduce the required rear-yard setback from 10 feet to three feet along the western boundary of the site, adjacent to Marina Parcel 43.

D. A parking permit to reduce the required number of on-site parking spaces to 462 spaces, and to authorize valet-managed tandem parking on the site.

All of the above improvements are as depicted on the approved Exhibit "A" on file at the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") and are subject to all of the following conditions of approval.

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. As used in this grant, the term "date of final approval" shall mean the date the approval of this grant becomes effective pursuant to Los Angeles County Code ("County Code") Section 22.56.2490.
4. This grant shall not be effective for any purpose until the permittee has filed at Regional Planning its affidavit stating that it is aware of, and agrees to accept, all of the conditions of this grant, until the conditions have been recorded as required by Condition No. 5, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 16. Notwithstanding the foregoing, this Condition No. 4 and Condition Nos. 3, 5, 6, 7, 8, 10, 11, 15, and 16 shall become immediately effective upon final approval by the County.
5. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Registrar-Recorder/County Clerk ("Recorder"). Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director"). In addition, upon any transfer of the lease held by the permittee or sublease during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee of the lease or to the sublessee.
6. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of California Government Code section 65009, or any other applicable limitation period. The County shall promptly notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
7. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, attorneys' fees and expenses, including but not limited to County Counsel fees and expenses, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - A. If during the litigation process, actual costs incurred reach 80 percent of the amount of the initial deposit, the permittee shall deposit additional

funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with County Code Section 2.170.010.

8. This grant shall expire unless used within four years from the date of final approval of this grant. The permittee may seek a single one-year extension pursuant to County Code Sections 22.56.140 and 22.56.2500 with the payment of the applicable fee.
9. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, this grant shall be void and the privileges granted hereunder shall lapse.
10. The project site shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the project site. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County the sum of \$4,000. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 20 annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file at Regional Planning. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200 per inspection).

11. Within five days following the approval of this grant by the Board, the permittee shall cause a Notice of Determination to be posted at the Recorder in compliance with California Public Resources Code section 21152. The permittee shall remit applicable processing fees, payable to the County, in connection with such filing.

The project is not *de minimis* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Wildlife pursuant to California Fish and Game Code section 711.4. The current total fee amount is \$3,145 (\$3,070 plus a \$75 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.

12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated, or that this grant has been exercised so as to be detrimental to the public health or safety, or so as to be a nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of Title 22 of the County Code, the permittee shall compensate the County for all costs incurred in such proceedings.
13. The project site shall be developed and maintained in substantial compliance with the approved site plan, dimensioned building elevations and sections, parking plans, and other plans kept on file at Regional Planning, marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the lessee for such revision.
14. The conditions and/or changes in the project, set forth in the final environmental impact report ("Final EIR"), necessary to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached Mitigation Monitoring and Reporting Program ("MMRP"), which is incorporated herein in its entirety by this reference. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to Regional Planning for review and approval as frequently as may be required by Regional Planning, until such time as all mitigation measures have been implemented and completed or Regional Planning determines such mitigation measures are no longer necessary. The reports shall describe the status of the permittee's compliance with the required project conditions/changes, to the satisfaction of Regional Planning.
15. Within 30 days following the date of final approval of this grant by the Board, the permittee shall record a covenant with the County, attaching the MMRP, and agreeing to comply with the required mitigation measures of the MMRP. Prior to recordation, the permittee shall submit a copy of the covenant to Regional Planning for review and approval.

16. Within 30 days following the date of final approval of this grant by the Board, the permittee shall deposit the sum of \$6,000 with Regional Planning, which shall be required prior to use of the grant and shall be utilized to defray the cost of reviewing the permittee's reports and verifying compliance with the MMRP.
17. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Code"), the Marina del Rey Local Coastal Program ("LCP"), and the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions or as shown on the approved Exhibit "A" or a revised Exhibit "A" approved by the Director.
18. All structures and other development pursuant to this grant shall be kept in full compliance with the County Fire Code, to the satisfaction of the County Fire Department ("Fire Department"), and shall conform to the requirements of the County Departments of Public Works ("Public Works") and Public Health ("Public Health"), to the satisfaction of those departments.
19. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities including, but not limited to, water mains, fire hydrants, gated access width, emergency access, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by the Fire Department.
20. Prior to obtaining any building permit for the project, the permittee shall obtain approval from the Fire Department of a fire safety plan for the site which satisfies the requirements of the County Code. Development of the project shall conform with the approved fire safety plan, a copy of which shall be provided to Regional Planning.
21. The following reduced setbacks are authorized for the project:
 - A. A minimum side yard setback of eight feet along the project site's northern boundary along Bali Way, within the portion of the site designated as "visitor-serving/convenience commercial;" and
 - B. A minimum rear yard setback of three feet along the site's eastern boundary adjacent to Marina Parcel 43.

These minimum setbacks are depicted in the Exhibit "A" on file with Regional Planning. The permittee shall comply with these minimum setbacks, and shall continue to depict such minimum setbacks in any revised Exhibit "A" submitted by the permittee pursuant to these Conditions of Approval or otherwise.

22. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about the premises. In

the event any such extraneous markings or graffiti become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

23. Prior to obtaining any building permit for the project, the permittee shall obtain approval by the Marina Design Control Board ("DCB") of the project's proposed final design, signage, landscaping, lighting, building colors and materials palette, and public amenities plan, including the design details concerning the project's hardscape elements, the public plaza, and the public waterfront promenade, including but not limited to seating, light standards, and decorative paving and railing.
24. Within 60 days following DCB's final design approval of the project, the permittee shall submit to the Director for review and approval three copies of a revised Exhibit "A," which shall contain a full set of the site plans, floor plans, parking plan, roof plan, building elevations, and building cross-sections.
25. Within 60 days following DCB's final design approval of the project, the permittee shall submit three copies of a signage plan to the Director for review and approval, which signage plan may be incorporated into a revised Exhibit "A." The signage plan shall include elevations, proposed lettering, colors, and locations of signage on the site, including but not limited to identification signs, wayfinding and directional signs, regulatory signs, and parking signs. All renderings of said signage shall be drawn to scale and shall be in conformity with the signage approved by DCB. The signage plan shall comply with the requirements of DCB's Revised Permanent Sign Controls and Regulations.
26. Within 60 days following DCB's final design approval of the project, the permittee shall submit three copies of a landscaping and lighting plan to the Director for review and approval, which landscaping and lighting plan may be incorporated into a revised Exhibit "A." The plan shall depict the size, type, and location of all on-site plants, trees, watering facilities, and lights, and shall include details for the waterfront promenade, including surfacing materials, lighting, benches, and other proposed facilities and amenities. All landscaping shall be maintained in a neat, clean, and healthful condition, and proper pruning, weeding, removal of litter, fertilizing, and replacement of plants shall occur when necessary.
27. The permittee shall maintain a minimum of 462 parking spaces on-site. A maximum of 184 of the 462 spaces may be compact spaces. Sixty-eight of the 462 spaces shall be valet-managed, tandem parking spaces. On-site tandem parking spaces shall be no less than eight feet wide and no less than 18 feet long for each automobile to be parked in tandem. Parking bays accessible only from one end shall contain a maximum of two tandem parking spaces. Parking bays accessible from both ends shall contain a maximum of four tandem parking spaces.

28. The permittee shall provide on-site not less than three "Type A" loading spaces and 20 disabled/accessible parking spaces which comply with the Zoning Code and the federal Americans with Disabilities Act ("ADA").
29. The permittee shall not allow patrons or guests to park on adjacent streets or in driveways within the project site. The parking of automobiles by valets on public streets is also prohibited.
30. Parking for the project must be developed in compliance with Part 11 of Chapter 22.52 of the Zoning Code and in substantial conformance with the approved parking plan on-file with the Department and marked Exhibit "A," or a revised parking plan approved by the Director.
31. Prior to the issuance of a certificate of occupancy for the project, the permittee shall file a valet management plan with the Director for review and approval. The valet management plan shall describe at a minimum the operations of the valet service, the ratio of valets to parking spaces, the methods for parking vehicles within available spaces, and contingencies for overflow parking. Commencing upon the issuance of a certificate of occupancy for the project, the permittee shall file an annual report with the Director analyzing the operation and effectiveness of the valet parking for the project, and revising the valet management plan as necessary to ensure continued effectiveness of the valet parking on the site, which may include increasing the number of valet-managed parking spaces on the site. The permittee shall not increase the number of valet-managed parking spaces on the site without prior approval by the Director of an appropriate valet management plan. If the permittee ceases to provide valet parking for the project, the permittee shall provide parking spaces in compliance with then-applicable County Code requirements, and shall promptly submit a revised Exhibit "A" to the Director for review and approval which depicts such parking spaces.
32. The permittee shall maintain not less than 100 bicycle parking spaces on-site. All bicycle parking spaces, bicycle racks, and other bicycle facilities shall be designed, installed, and maintained to the satisfaction of the Director and in compliance with applicable Zoning Code requirements. The permittee shall depict all such bicycle parking spaces, racks, and other facilities on a revised Exhibit "A" required to be submitted pursuant to Condition No. 24, above.
33. Prior to the issuance of a certificate of occupancy for the project, the permittee shall ensure that the public improvements identified in the approved Exhibit "A," or in a revised Exhibit "A" approved by the Director, are constructed and open to the public, including but not limited to the public pedestrian promenade and public plaza.
34. The permittee shall post signs conspicuously, to the satisfaction of the Director, along the public pedestrian promenade and public plaza on the site identifying the promenade as a public pedestrian right of way and the plaza as a public

area. The permittee shall also provide directional and wayfinding signage, to the satisfaction of the Director, directing the public to the promenade, adjacent docks, and the WaterBus stop to be developed on the waterside of Marina Parcel 44. The permittee shall depict such signage in the signage plan required by Condition No. 25, above.

35. Dry stack boat storage racks located adjacent to the public sidewalk on Bali Way shall not exceed 25 feet in height, including the height of any boat stored therein. The permittee shall clearly mark each such rack in a revised Exhibit "A" required to be submitted pursuant to Condition No. 24, above.
36. Sidewalks and driveways on the site shall comply with the requirements of the ADA and shall be constructed to the satisfaction of Public Works.
37. The permittee shall plant not less than 238 trees on the project site. The trees shall be dispersed throughout the site and shall be of a size and type to the satisfaction of the Director. Unless otherwise agreed to by the Director, the permittee shall continuously maintain not less than 238 trees on the project site throughout the life of this grant, and shall plant new trees as necessary to replace dead trees or trees which have been removed.
38. The permittee shall plant trees in the street medians adjacent to the project site to the satisfaction of the Director and the Director of Public Works. The trees shall be of a size and type to the satisfaction of the Director and the Director of Public Works.
39. The permittee shall not allow on-site, cause to be allowed on-site, or allow another to bring on-site any invasive plant or tree, or any other plant or tree which is incompatible with the Marina environment, as determined by the Director.
40. Prior to obtaining any building permit for the project, the permittee shall deposit with the County its "fair share" to fund transportation improvements, as required by the LCP. Based on the project's expected net new trip generation of 411 p.m. peak hour trips, the project's "fair share" payment is \$2,338,590.
41. The following conditions shall apply to project construction activities:
 - A. Construction activity shall take place only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. The permittee shall obtain prior written permission from Beaches and Harbors and Public Health before conducting any construction activity on Saturdays. Any construction activities on a Saturday authorized by Beaches and Harbors and Public Health shall take place only between the hours of 8:00 a.m. to 5:00 p.m. No construction activities shall occur on Sundays or County, federal, or State holidays.

- B. Notwithstanding subsection (A) of this condition, grading, hauling, or pile driving shall take place only between the hours of 8:00 a.m. and 5:00 p.m. and are prohibited on Saturdays, Sundays, and County, federal, and State holidays.
- C. Ten days prior to any pile-driving activity, the permittee shall provide adjacent property owners the pile-driving schedule and a three-day notice of any re-tapping activities that may occur. The permittee shall submit a copy of the pile-driving schedule and mailing list of adjacent property owners to the Director and to Public Works prior to initiating any such activities. In addition, at least ten days prior to any construction activities on the site, the permittee shall conspicuously post a construction schedule at the site's street frontage on Via Marina. The schedule shall include detailed information about where to lodge questions, concerns, or complaints regarding construction-related noise issues. The permittee shall take appropriate action to minimize any reported noise problems.
- D. All graded material shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth-moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- E. The permittee shall comply with County Code Sections 12.12.010 through 12.12.100, inclusive, during all phases of demolition and construction.
- F. All stationary construction noise sources shall be sheltered or enclosed to minimize any adverse effects on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, State, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses.

- G. Parking of construction worker vehicles and storage of construction equipment and materials shall be on-site or at an off-site location approved by the Director. Any such off-site location shall be restricted to areas which are sufficiently buffered from residences, to the satisfaction of the Director. Prior to allowing any off-site parking or storage, the permittee shall submit plans for temporary construction worker parking and equipment/materials storage to the Director for review and approval. The plans must demonstrate to the satisfaction of the Director that proposed off-site parking and equipment/materials storage will not materially interfere with parking required by any uses operated or being maintained at the off-site location.
- H. All project-related truck hauling shall be restricted to a route approved by the Director of Public Works, a map of which shall be provided by the permittee to the Director upon approval. The permittee shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can lodge questions and complaints. The permittee shall keep records of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to Public Health.
- I. Prior to commencing any construction on the site, the permittee shall submit a site plan to the Director depicting, to the satisfaction of the Director, the location of any construction staging areas, the location and content of required notices, and the expected duration of construction.
- J. The permittee shall develop and implement a construction management plan, as approved by the Director and the Director of Public Works, which includes all of the following measures as recommended by the South Coast Air Quality Management District ("SCAQMD"), or other measures of equivalent effectiveness approved by the SCAQMD:
 - i. Configure construction parking to minimize traffic interference;
 - ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person);
 - iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works;
 - iv. Consolidate truck deliveries when possible;
 - v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;

- vi. Suspend use of all construction equipment operations during second stage smog alerts (contact the SCAQMD at (800) 242-4022 for daily forecasts);
 - vii. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators, except as approved by the Director;
 - viii. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices; and
 - ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
- K. The permittee shall develop and implement a dust control plan, as approved by the Director and the Director of Public Works, which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:
- i. Apply approved non-toxic chemical soil stabilizers according to the manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more);
 - ii. Replace ground cover in disturbed areas as quickly as possible;
 - iii. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications;
 - iv. Provide temporary wind fencing consisting of three- to five-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded;
 - v. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available);
 - vi. Install wheel washers where vehicles enter and exit unpaved areas onto paved roads, or wash-off trucks and any equipment leaving the site each trip;
 - vii. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces; and
 - viii. Require construction vehicles to observe speed limits of 15 miles per hour or less on all unpaved roads and surfaces.

- L. All construction and development on the site shall comply with the applicable provisions of the California Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County.
 - M. The permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible as determined by the Director and the Director of Public Works, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Director and to Public Works prior to building permit issuance.
- 42. The permittee shall coordinate project construction in a manner that ensures construction activity will not, to the extent feasible, detract from or interfere with the use of existing boating and ancillary facilities in the vicinity of the site.
 - 43. Site development shall be conducted in conformance with the archaeological reporting requirements set forth in the Zoning Code.
 - 44. Prior to the commencement of grading, the permittee shall provide evidence to the Director that it has notified the Office of State Historic Preservation and the Native American Heritage Commission of the location of the proposed grading, the proposed extent of the grading, and the dates on which the work is expected to take place.
 - 45. In the event of discovery of Native American remains or of grave goods, California Health and Safety Code section 7050.5 and California Public Resources Code sections 5097.94, 5097.98, and 5097.99 shall apply and govern the permittee's development activities. In addition, in compliance with the Zoning Code, the permittee shall notify the Office of State Historic Preservation and Regional Planning of the discovery, and in such instances, a "stop work" order shall be issued.
 - 46. In the event a significant cultural resource is found on-site during any phase of project development, the permittee shall immediately notify the Office of State Historic Preservation and Regional Planning. Prior to commencing any further development on the site, the permittee shall submit a recovery program for review and approval by the Director. Further development may not commence until the Director approves the recovery program. The permittee shall also ensure that any significant cultural resource found on-site is provided to, and maintained by, the County Museum of Natural History, the nature center identified in County Code Section 22.46.1190.A.2, or other appropriate entity or agency, or is treated as otherwise provided by law.
 - 47. All ground- and roof-mounted equipment shall be fully screened from public view. All roof-mounted facility screening materials shall be constructed of high quality building materials and shall be fully integrated into the building architecture.

48. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
49. All necessary facilities and infrastructure required by Public Works shall be provided for the project prior to the issuance of a certificate of occupancy for the project, to the satisfaction of the Director of Public Works. All project infrastructure shall be designed and constructed in an environmentally-sensitive manner, in full conformance with Public Works' requirements to the satisfaction of said department, and shall follow the design and recreation policies of the LCP, including any landscaping standards required by DCB.
50. The permittee shall obtain all necessary permits required from Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.
51. Prior to obtaining any building permit for the project, the permittee shall submit a flood control, runoff, and storm drain plan to Public Works for review and approval.
52. The permittee shall comply with the NPDES (National Pollution Discharge Elimination System) requirements of the California Regional Water Quality Control Board and Public Works. Prior to obtaining any building permit for the project, the permittee shall obtain any other necessary permit or approval from Public Works related to these requirements.
53. The permittee shall comply with all applicable provisions and policies in the Marina del Rey Land Use Plan ("LUP") concerning water quality protection. Prior to obtaining any grading or building permit for the project, the permittee must obtain approval from Regional Planning affirming that all such applicable provisions and policies of the LUP have been appropriately complied with or adopted. During project construction, the permittee shall submit quarterly reports to Regional Planning describing the permittee's ongoing compliance with these provisions and policies.
54. The permittee shall maintain all storm water facilities on the site in a clean and functioning condition. The permittee shall inspect, clean, repair, and improve such facilities as necessary to ensure their proper functioning for the life of this grant, to the satisfaction of the Director of Public Works.
55. The site shall be developed and maintained in compliance with the requirements of the County Department of Health Services ("Health Services"). Adequate water and sewage disposal facilities shall be provided to the satisfaction of Health Services.
56. The permittee shall establish a functional transportation demand management ("TDM") program or shall participate in an existing TDM program. Viable TDM

components may include, but are not be limited to, carpools, ridesharing, vanpools, increased use of bicycles for transportation, bicycle racks, preferential parking for TDM participants, incentives for TDM participants, and/or disincentives for single occupancy vehicle trips by employees. Any TDM program which the permittee establishes or in which the permittee participates must comply with applicable guidelines and requirements of the LCP. For three calendar years following the permittee's receipt of a certificate of occupancy for the project, the permittee shall file a report with the Director detailing the effectiveness of the TDM program. The Director may require additional annual reports in the Director's discretion, where necessary, to evaluate the effectiveness of the TDM program.

57. Outside lighting shall be arranged to prevent glare or direct illumination onto adjacent properties, to the satisfaction of the Director and DCB. Exterior security lighting shall be low intensity, shielded, at low height, and directed downward.
58. The permittee shall comply with all applicable provisions and policies in the LUP concerning the Marina's "important biological resources," including the policies governing tree pruning and tree removal, the management of crows and other omnivores, the submittal of biological reports and construction monitoring, and "bird-safe" building. Prior to obtaining any grading or building permit for the project, the permittee shall obtain approval from Regional Planning confirming that all such applicable provisions and policies have been appropriately complied with or adopted.
59. The project's buildings shall be designed and constructed utilizing earthquake-resistant construction and engineering practices so as to withstand a seismic event. Public Works shall determine in its discretion whether the permittee shall be required to undertake an earthquake study prior to obtaining any building permit for the project. If any earthquake study is undertaken, such study shall comply with the latest recommendations of the State Department of Conservation and the Seismic Safety Board.
60. Project development shall conform to the phasing schedules in the LCP. The phasing schedules include requirements for circulation and public recreation improvements and infrastructure.
61. The permittee shall incorporate water-conserving devices and technologies into the project, in compliance with local, State, and/or federal regulations, to the satisfaction of the Director of Public Works.
62. The permittee shall maintain a log of the date and time of all outdoor events which have taken place within the prior 12 months and all future scheduled outdoor events. The permittee shall make the log immediately available to Regional Planning upon request.
63. Operation of the project shall be subject to the following requirements:

- A. The permittee shall designate site management personnel available to respond during ordinary business hours to any and all issues, problems, and/or complaints, and maintain current contact information for the designated personnel on file with Regional Planning.
 - B. The permittee shall post signage on-site providing a telephone number for reporting any problems associated with the use and enjoyment of the site.
 - C. Outdoor storage and the repair of any automobile on-site shall be prohibited.
 - D. The permittee shall monitor on-site landscaping on a monthly basis and replace vegetation as needed.
64. The permittee shall keep a copy of these conditions in any management office it maintains on the site, and shall require all tenants to keep a copy of these conditions on-site. The permittee, including any tenants, shall immediately provide a copy of these conditions to law enforcement, Regional Planning, and other County staff upon request.
65. The permittee shall comply with all conditions of the Fire Department approval letter dated August 11, 2015, the Public Health approval letter dated December 20, 2013, and the Public Works approval letter dated August 25, 2015, which are attached to these conditions and incorporated herein by this reference as though set forth in full.
66. In the event the permittee continues to maintain the project or any component thereof after the expiration or termination of this grant, the permittee shall be bound by and comply with the conditions set forth herein, as though the grant remains in full force and effect, unless at the time of expiration or termination the project is permitted to remain pursuant to then-applicable Zoning Code requirements, in which case the permittee shall comply with the applicable requirements of the Zoning Code. Nothing in this condition is intended to grant the permittee or any person or entity the right to maintain any use on the subject property without a valid grant, permit, or other approval, and nothing in this condition shall prevent the County from taking any lawful action to abate uses on the site which are being maintained without necessary grants, permits, or approvals, or which are otherwise being maintained in violation of the Zoning Code. This condition shall survive the expiration or termination of this grant.
67. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of the project site.

Attachments:

Mitigation Monitoring and Reporting Program (Pages 1 to 14)
Fire Department Conditions of Approval (Pages 1 to 3)
Public Health Conditions of Approval (Pages 1 to 2)
Public Works Conditions of Approval (Pages 1 to 7)

Table 4.0-1
Mitigation Monitoring and Reporting Program Matrix

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|--|---|---|--|--|
| 4.3 Biological Resources | | | | |
| Impact 4.3-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS) | | | | |
| 4.3-1: Prior to and during all project-related construction activities, applicant shall strictly comply with all applicable policies contained in Policy Nos. 23 (Marina del Rey Tree Pruning and Tree Removal Policy), 34 (Marina del Rey Leasehold Tree Pruning and Tree Removal Policy), and 37 (Biological Report & Construction Monitoring Requirements) of the certified LCP. | Applicant and subsequent owner(s) | Review of applicable policies contained in Policy Nos. 23, Nos. 34, and Nos. 37 | 1. County of Los Angeles Department of Regional Planning 2. County of Los Angeles Department of Regional Planning 3. Prior to Construction; Verify During Construction | Ongoing monitoring |
| 4.4 Geology and Soils | | | | |
| Impact 4.4-1: The project would expose of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction | | | | |
| 4.4-1: Adherence to the design recommendations provided in the Geotechnical study. | Applicant and subsequent owner(s) | Review of building plans | 1. County of Los Angeles Building Plan Check Geotechnical Engineer 2. County of Los Angeles Building Plan Check Geotechnical Engineer 3. Prior to Construction | MITIGATION INCORPORATED INTO THE BUILDING PLANS The mitigation measure must be included on the building plans prior to permits being granted |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|--|---|----------------------------------|--|--|
| 4.4 Geology and Soils (continued) | | | | |
| Impact 4.4-2: The project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse | | | | |
| 4.4-2: Adherence to the design recommendations provided in the Geotechnical study. | Applicant and subsequent owner(s) | Review of grading permits | 1. County of Los Angeles Building Plan Check Geotechnical Engineer 2. County of Los Angeles Building Plan Check Geotechnical Engineer 3. Prior to Construction | MITIGATION INCORPORATED INTO THE BUILDING PLANS The mitigation measure must be included on the building plans prior to permits being granted |
| Impact 4.4-3: The project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property | | | | |
| 4.4-3: Adherence to the design recommendations provided in the Geotechnical study. | Applicant and subsequent owner(s) | Review of grading permits | 1. County of Los Angeles Building Plan Check Geotechnical Engineer 2. County of Los Angeles Building Plan Check Geotechnical Engineer 3. Prior to Construction | MITIGATION INCORPORATED INTO THE BUILDING PLANS The mitigation measure must be included on the building plans prior to permits being granted |
| 4.7 Noise | | | | |
| Impact 4.7-3: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from amplified sound systems | | | | |
| 4.7-1: All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses. As the project is constructed, the use of building structures as noise barrier would be sufficient. The applicant's representative shall spot check to ensure compliance. | Applicant and subsequent owner(s) | Field visit to verify compliance | 1. Los Angeles County Building Official 2. Los Angeles County Building Official 3. Ongoing prior and during construction | MITIGATION TO BE COMPLETED PRIOR TO CONSTRUCTION OF THE PROJECT |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|---|--|---|
| 4.7 Noise (continued) | | | | |
| 4.7-2: The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project and anticipated duration of construction activity, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health. | Applicant and subsequent owner(s) | Field visit to verify compliance | 1. Los Angeles County Building and Safety Division 2. Los Angeles County Building and Safety Division 3. Ongoing prior and during construction | MITIGATION TO BE COMPLETED PRIOR TO CONSTRUCTION OF THE PROJECT |
| 4.10.2 Solid Waste | | | | |
| Impact 4.10.3-1: The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. | | | | |
| 4.10.3-1: The project proponent shall also provide a Construction and Demolition Debris Recycling and Reuse Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. | Applicant and subsequent owner(s) | Review of Construction and Demolition Debris Recycling Reuse Plan | 1. County of Los Angeles Health Department 2. County of Los Angeles Health Department 3. Prior to construction | MITIGATION TO BE IMPLEMENTED PRIOR TO CONSTRUCTION A Construction and Demolition Debris Recycling Reuse Plan must be developed for the construction activities of the project and approved prior to allocation of demo and grading permits |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|-------------------|--|--|
| 4.10.2 Solid Waste (continued) | | | | |
| 4.10.3-2: To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the project applicant. This plan shall be reviewed and approved by the County of Los Angeles Health Department. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles Source Reduction and Recycling Element. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site customers and business operators. | Applicant and subsequent owner(s) | Final Plan Check | 1. County of Los Angeles Health Department 2. County of Los Angeles Health Department 3. Prior to Issuance of Occupancy Permits for Each Phase | MITIGATION TO BE IMPLEMENTED PRIOR TO OCCUPANCY A Solid Waste Management Plan must be developed for the operational activities of the project and approved prior to occupancy |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|--|---|------------------------|--|--|
| 4.8.4 Traffic/Access | | | | |
| Impact 4.8-1: The proposed project would conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit | | | | |
| Project Specific Measures – Los Angeles County Intersections: | | | | |
| 4.8-1 Admiralty Way and Mindanao Way – Although as shown earlier in Table 4.8-8, the project could result in a significant impact at this intersection during the PM peak hour under the “Existing With Project” scenario, this location was assumed only to be improved with the project-required improvements to the eastbound approach of Mindanao Way for the analysis of potential project-related impacts for that scenario. However, as described earlier in this report, the County is currently underway with, and is nearing completion on, improvements to Admiralty Way that will install new southbound dual left-turn lanes at this intersection. As a result, as further shown in Table 4.8-9, once the ongoing installation of the new dual southbound left-turn lanes is completed, the project’s impacts will become less than significant (during both peak hours). Therefore, no improvements to this intersection (beyond the project-required improvement to eastbound Mindanao Way and the ongoing improvements being installed by the County) are necessary. | County Department of Public Works | No monitoring required | 1. County Department of Public Works 2. County Department of Public Works 3. No monitoring phase | IMPROVEMENTS ARE COMPLETE. NO MITIGATION IS NECESSARY AT THIS INTERSECTION |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|------------------------|--|---|
| <p>4.8.4 Traffic/Access (continued)</p> <p>Shared Los Angeles County/Los Angeles City Intersections</p> <p>The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee is the recommended mitigation over the partial construction by this project of any major roadway improvements.</p> <p>4.8-2a: Lincoln Boulevard and Mindanao Way –The “Revised Set of Intersection Improvements” contained in the updated LCP does not identify any roadway improvements for this location, although the TIP of the prior LCP included an improvement to install a new northbound right-turn only lane on Lincoln Boulevard at Mindanao Way. However, this measure has already been installed, this intersection currently provides exclusive left-turn and right-turn lanes, along with three through lanes, on the northbound approach, a left-turn lane, and three through lanes (including a shared through/right-turn lane) on the southbound approach, dual left-turn lanes along with two through lanes (including a shared through/right-turn lane) for the westbound approach, and two through lanes (including a shared through/right-turn lane) on the eastbound approach (eastbound left turns are prohibited at this intersection). There are no additional rights-of-way available to widen any of the intersection approaches, and as such, no feasible improvements are available at this location.</p> | No implementation required | No monitoring required | No monitoring/enforcement required | NO FEASIBLE MEASURES EXIST TO MITIGATE IMPACTS AT THIS INTERSECTION. APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT. |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|------------------------|--|---|
| <p>4.8.4 Traffic/Access (continued)</p> <p>City of Los Angeles Intersections</p> <p>4.8-3: Lincoln Boulevard and Venice Boulevard – This intersection is already improved with dual left-turn lanes on each approach, in addition to exclusive right-turn only lanes on both the eastbound and westbound approaches (each with right-turn overlap phases concurrent with the northbound and southbound left-turn phases).</p> <p>Lincoln Boulevard and Washington Boulevard – Similar to Lincoln Boulevard and Venice Boulevard, this intersection is also currently improved with dual left-turn lanes on each approach, plus exclusive right-turn only lanes (including right-turn overlap phases concurrent with the northbound and southbound left-turn phases) on both the eastbound and westbound approaches.</p> <p>Lincoln Boulevard and Marina Expressway – This location is currently improved to provide both dual left-turn and dual right-turn lanes on the westbound approach of the Marina Expressway, as well as dual left-turns for southbound Lincoln Boulevard (left-turns for northbound travel are not permitted at this location).</p> | No implementation required | No monitoring required | No monitoring/enforcement required | NO FEASIBLE MEASURES EXIST TO MITIGATE IMPACTS AT THESE INTERSECTIONS. APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT. |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|-------------------|--|--------|
| 4.8.4 Traffic/Access (continued) | | | | |
| <p>4.8-3 (continued)</p> <p>Mindanao Way and Eastbound Marina Expressway – Improvements were recently completed at this intersection to install dual left-turn lanes on the southbound approach of Mindanao Way (onto the eastbound Marina Expressway), while the eastbound approach of the Marina Expressway is flared at the intersection in order to provide an exclusive left-turn lane (in addition to its typical two through lanes).</p> <p>Lincoln Boulevard and Jefferson Boulevard – This intersection has recently been reconstructed to substantially enhance its capacity and operations (as mitigation for the adjacent Playa Vista development project), particularly in the northbound and southbound directions, and currently provides an exclusive right-turn only lane on the northbound approach, plus dual left-turn lanes on the southbound approach, and dual left-turn and dual right-turn lanes on the westbound approach.</p> | | | | |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|--|---|------------------------|---|--|
| 4.8.4 Traffic/Access (continued) | | | | |
| Cumulative Traffic Impact: | | | | |
| <p>The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee is the recommended mitigation over the partial construction by this project of any major roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following improvements, which are consistent with the improvements identified in the LUP, are recommended:</p> <p>4.8-4a: Admiralty Way and Via Marina – Two potential roadway improvement alternatives are identified in the certified LCP to address cumulative traffic impacts at this intersection:</p> <ol style="list-style-type: none"> The first roadway improvement alternative (LCP A) includes the installation of a third left-turn lane (in addition to the two existing right-turn only lanes) on the westbound approach of Admiralty Way at Via Marina, and would also convert one of the three existing southbound through lanes to a new left-turn lane (resulting in a final southbound configuration of two left-turn lanes and two through lanes). | County Department of Public Works | No monitoring required | <ol style="list-style-type: none"> County Department of Public Works County Department of Public Works No monitoring phase | APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT. |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|-------------------|--|--------|
| <p>4.8.4 Traffic/Access (continued)</p> <p>(Mitigation Measure 4.8-4(a) continued)</p> <p>1. (continued)</p> <p>The northbound approach of this intersection would remain unchanged, and continue to provide two through lanes and one right-turn only lane. The certified LCP does not identify whether roadway widenings are necessary to implement this improvement.</p> <p>2. The second alternative (LCP B) would reconstruct this intersection to realign Admiralty Way and the south leg of Via Marina to operate as a "through roadway" with the north leg of Via Marina intersecting the realigned Admiralty Way/Via Marina roadway in a "T" configuration. The resulting intersection would include two through lanes in each direction along realigned Admiralty Way/Via Marina, with one westbound right-turn lane and dual eastbound left-turn lanes from this roadway onto the north leg of Via Marina, while the southbound approach of Via Marina at the intersection would provide two left-turn lanes and a single right-turn lane.</p> | | | | |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|------------------------|---|--|
| <p>4.8.4 Traffic/Access (continued)</p> <p>4.8-4b Admiralty Way and Palawan Way - There are also two potential roadway improvements identified in the certified LCP to address the cumulative impact at this intersection:</p> <p>1. In addition to the current County improvements to restripe northbound Palawan Way to convert the existing left-turn lane to a shared left-turn/through lane (with the existing shared through/right-turn lane remaining unchanged), and to add a new exclusive westbound right-turn only lane on Admiralty Way, the first improvement alternative (LCP A) would restripe the southbound approach of Palawan Way to convert the existing through lane to a shared left-turn/through lane (but leave the existing left-turn and right-turn lanes unchanged), and would further improve the westbound approach of Admiralty Way to provide an additional through lane (west of the intersection with Palawan Way). This alternative improvement would also convert the new westbound right-turn only lane to a shared through/right-turn lane, to provide a future lane configuration of one left-turn lane, two through lanes, and one shared through/right-turn lane.</p> | County Department of Public Works | No monitoring required | <p>1. County Department of Public Works</p> <p>2. County Department of Public Works</p> <p>3. No monitoring phase</p> | APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT. |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|-------------------|--|--------|
| <p>4.8.4 Traffic/Access (continued)</p> <p>(Mitigation Measure 4.8-4(b) continued)</p> <p>1. (continued)</p> <p>The eastbound approach would continue to exhibit its current configuration of one left-turn lane, one through lane, and one shared through/right-turn lane. As with the ongoing improvement at this location, due to the proposed "shared through/left-turn lane" configuration for southbound Palawan Way, this alternative will require modification of the existing traffic signal to provide north/south opposed phasing operation.</p> | | | | |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|-------------------|--|--------|
| <p>4.8.4 Traffic/Access (continued)</p> <p>(Mitigation Measure 4.8-4(b) continued)</p> <p>2. The second certified LCP roadway improvement alternative (LCP B) is similar to the LCP A alternative described above, and would again modify westbound Admiralty Way to provide a third westbound lane west of the intersection, and convert the new westbound right-turn only lane to a shared through/right-turn lane (again with no changes to the eastbound approach lane configuration). However, this alternative would also restripe northbound Palawan Way to convert the existing shared through/right-turn lane to an exclusive right-turn only lane, while keeping the new shared left-turn/through lane currently being constructed. Additionally, this alternative would modify the southbound approach of Palawan Way to add a second left-turn lane (resulting in a final southbound lane configuration of two left-turn lanes, one through lane, and one right-turn only lane). As with the LCP A alternative, the traffic signal would be modified to operate with opposed north/south phasing.</p> | | | | |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|------------------------|--|--|
| 4.8.4 Traffic/Access (continued) | | | | |
| 4.8-4c: Admiralty Way and Bali Way – The LCP improvement to add a second left-turn lane on southbound Admiralty Way at Bali Way, resulting in a final lane configuration for this approach of two left-turn lanes, one through lane, and one shared through/right-turn lane is currently under construction, and no further improvements are proposed. | County Department of Public Works | No monitoring required | 1. County Department of Public Works 2. County Department of Public Works 3. No monitoring phase | APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT. |
| 4.8-4d: Admiralty Way and Mindanao Way – In addition to the ongoing improvements to this intersection being installed by the County to provide a second southbound left-turn lane on Admiralty Way at Mindanao Way, and the project-required improvement to widen the south side of Mindanao Way to install a new shared through/right-turn lane on the eastbound approach of this street (and convert the current shared through/right-turn lane to a shared left-turn/through lane) described earlier (which is also part of the overall LCP improvement at this location), the remaining LCP improvements at this intersection would restripe the westbound approach of Mindanao Way to convert the existing shared left-turn/through lane to a shared left-turn/through/right-turn lane. The traffic signal phasing at this location will continue to exhibit the current east-west “split” phase operations, due to the proposed new eastbound/westbound lane configurations. | County Department of Public Works | No monitoring required | 1. County Department of Public Works 2. County Department of Public Works 3. No monitoring phase | APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT. |



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: CUP R2013-01647

**THE FIRE DEPARTMENT RECOMMENDS APPROVAL OF THIS PROJECT AS
PRESENTLY SUBMITTED WITH THE FOLLOWING CONDITIONS OF
APPROVAL.**

CONDITIONS OF APPROVAL – ACCESS

1. Access as noted on the Site Plan shall comply with Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires an all-weather access surface to be clear to sky.
2. All proposed buildings shall be placed such that a fire lane is provided to within 150 feet of all exterior walls of the first story. This measurement shall be by an approved route around the exterior of the building or facility. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.
3. The on-site private driveways intended for fire apparatus access, fire lane, shall provide a minimum paved unobstructed width of 26 feet, clear to the sky. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.
4. Commercial and high density residential buildings being served by a 26 feet wide fire lane will have a height restriction due to the fire lane width indicated on the Exhibit Map. Such buildings shall not exceed 30 feet above the lowest level of the Fire Department vehicular access road or the building is more than three stories. Buildings exceeding this height shall provide a minimum paved fire lane width of 28 feet. The required fire lane shall be parallel to the longest side of the building between 15 feet and 30 feet from the edge of the fire lane to the building wall.
5. The promenade shall provide a minimum unobstructed fire lane width of 20 feet with an all-weather access surface as specified in the Marina Del Rey Specific Plan within Title 22 (County of Los Angeles Zoning Code). Additional fire lane width will be required adjacent to any required fire hydrants and/or any proposed buildings. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.

Reviewed by: Juan Padilla

Date: August 11, 2015



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: CUP R2013-01647

6. The driveways required for fire apparatus access shall be labeled as "Private Driveway and Fire lane" on the Site Plan with the widths clearly depicted. A reciprocal access agreement is required for all private driveways within this development. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.
7. Any change of direction within a private driveway shall provide a 32 feet centerline turning radius. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.
8. Any Special Pavement proposed on any of the fire lanes for this development shall be capable to support a live load of 75,000 pounds. Provide a note and clearly delineate on the architectural plans when submitted to the Fire Department for review prior to building permit issuance. Verification for compliance will also be performed prior to occupancy.
9. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
10. Install 8 public fire hydrants as noted on the Site Plan. All required fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
11. The required fire flow from the public fire hydrants for this development is 2000 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. The required fire flow will be verified for accuracy during the Fire Department review of the architectural plan prior to building permit issuance.
12. Prior to building permit issuance, all required fire hydrants shall be bonded for in lieu of installation.

Reviewed by: Juan Padilla

Date: August 11, 2015

Page 2 of 3



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
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PROJECT: CUP R2013-01647

13. Parking shall be restricted 30 feet adjacent to any required public or private fire hydrant, 15 feet on each side measured from the center of the fire hydrant. Adequate signage and/or stripping shall be required prior to occupancy.
14. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.
15. The driveways required for fire apparatus access shall be posted with signs stating "No Parking-Fire Lane" and/or stripped accordingly in compliance with the County of Los Angeles Fire Code prior to occupancy.
16. All proposed streets and driveways within this development shall provide approved street names and signs. All proposed buildings shall provide approved address numbers. Compliance required prior to occupancy to the satisfaction of the Department of Public Works and the County of Los Angeles Fire Code.

For any questions regarding the report, please contact Juan Padilla at (323) 890-4243 or Juan.Padilla@fire.lacounty.gov.

Reviewed by: Juan Padilla

Date: August 11, 2015



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

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December 20, 2013

TO: Anita Gutierrez
Principal Regional Planning Assistant
Department of Regional Planning

FROM: Michelle Tsiebos, MPA, REHS *M.T.*
Environmental Health Division
Department of Public Health

SUBJECT: CUP CONSULTATION
PROJECT NO. R2013-01647/ RCUP 201300003
Marina del Rey Parcel 44 (w/frontage on Admiralty Way, Bali Way and
Mindanao Way)

- ☒ Public Health recommends approval of this CUP.
☐ Public Health does **NOT** recommend approval of this CUP.

The Department of Public Health has reviewed the information provided for the project identified above. The CUP is for the proposed development of the waterfront at Marina del Rey parcel 44 with the construction of new commercial retail facilities, and new restaurants among other amenities.

We have no objection to the approval of the CUP contingent upon the following conditions:

Potable water supply and sewage disposal

The proposed buildings shall be supplied with potable water through an approved public water system, and wastewater disposal shall be accommodated through public sewer and wastewater treatment facilities as proposed.

The applicant shall submit a current will serve letter from the water purveyor to this Department prior to the public hearing.

Food Retail Facilities

The applicant shall comply with all the Department of Public Health requirements relating to the construction and operation of food establishments. Three sets of construction plans for the proposed food establishments shall be submitted to the Department's Plan Check Program for review and approval prior to issuance of any building permits. Each proposed food establishment must be issued a Public Health Permit to operate by this Department after construction.

Noise

The applicant shall comply with the requirements of the Los Angeles County Noise Control Ordinance as found in Title 12 of the Los Angeles County Code.

If you have any questions about this report, please contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **LD-4**

August 25, 2015

TO: Samuel Dea
Special Projects Section
Department of Regional Planning

Attention Kevin Finkel

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201300166
COASTAL DEVELOPMENT PERMIT (CDP) NO. 201300006
PROJECT NO. R2013-01647
MARINA DEL REY, PARCEL 44, PIER 44
4675 ADMIRALTY WAY
ASSESSOR'S MAP BOOK NO. 4224, PAGE 8, PARCEL NO. 901
LOTS 722 THROUGH 728, 730 THROUGH 742, AND 744 THROUGH 758
UNINCORPORATED COMMUNITY AREA OF MARINA DEL REY

Thank you for the opportunity to review the site plan and the zoning permit application for the project located at 4675 Admiralty Way in the unincorporated County community of Marina del Rey. The applicant is requesting authorization for a CUP and a CDP to allow the construction and use of multiple buildings with a buildable area of 82,652-square-feet including 462 parking spaces. The proposed development will include a Trader Joe's market; a two-story, retail store with offices on the second floor; restaurants; boaters' bathroom facilities; and a boat repair shop. The project will also include the development of a waterfront pedestrian promenade along the parcel's bulkhead and realignment of the Marvin Braude Bicycle Path to run parallel to the waterfront pedestrian promenade.

- ☒ Public Works recommends approval of this CUP and CDP.
- ☐ Public Works does **NOT** recommend approval of this CUP and CDP.

Upon approval of the site plan, we recommend the following conditions:

1. Road

- 1.1 Dedicate, through the set aside process, adequate right of way for a corner cut-off (from beginning-of-curb return (BCR) to end-of-curb return (ECR), based on a 35-foot curb-return radius, at the northwest corner of Admiralty Way and Mindanao Way and the southwest corner of Admiralty Way and Bali Way. A fee will be required for the review of the dedication documents.
- 1.2 Dedicate, through the set aside process, an additional 16 feet of road right of way to provide 56 feet of road right of way (from centerline) on Admiralty Way from approximately 195 feet south of the Admiralty Way/Bali Way intersection to the project's proposed main driveway. This dedication is necessary to accommodate the exclusive right-turn lane into the main entrance driveway for the project. A fee will be required for the review of the dedication documents.
- 1.3 Dedicate, through the set aside process, an additional 4 feet of road right of way to provide 44 feet of road right of way (from centerline) on Admiralty Way from the Admiralty Way/Bali Way intersection to approximately 195 feet south of the intersection and from the proposed main entrance driveway to the Mindanao Way/Admiralty Way intersection. A fee will be required for the review of the dedication documents.
- 1.4 Dedicate, through the set aside process, an additional 3 feet of road right of way to provide 30 feet of road right of way (from centerline) on Mindanao Way from the westerly property line of the project to approximately 285 feet west of Admiralty Way. A fee will be required for the review of the dedication documents.
- 1.5 Dedicate, through the set aside process, an additional 14 feet of road right of way to provide 41 feet of road right of way (from centerline) on Mindanao Way from approximately 285 feet west of Admiralty Way to Admiralty Way. A fee will be required for the review of the dedication documents.
- 1.6 Dedicate, through the set aside process, an additional 7 feet of road right of way to provide 34 feet of road right of way (from centerline) on Bali Way from the westerly property line of the project to approximately 285 feet west of Admiralty Way. A fee will be required for the review of the dedication documents.

- 1.7 Dedicate, through the set aside process, an additional 10 feet of road right of way to provide 37 feet of road right of way (from centerline) on Mindanao Way from approximately 285 feet west of Admiralty Way to Admiralty Way. A fee will be required for the review of the dedication documents.
- 1.8 Construct a 35-foot curb-return radius with a curb ramp that meets current Americans with Disabilities Act (ADA) guidelines at the northwest and southwest corners of Admiralty Way and Mindanao Way and the southwest corner of Admiralty Way and Bali Way. Relocate any affected utilities, including the traffic signal poles, as necessary. Relocation of a traffic signal will require a separate traffic signal plan.
- 1.9 Construct an exclusive right-turn lane with adequate base, pavement, curb, gutter, and sidewalk on Admiralty Way to accommodate southbound right-turn movements at the project's main entrance driveway. Relocate any affected utilities.
- 1.10 Construct curb, gutter, and sidewalk 22 feet from the centerline on Mindanao Way from the westerly property line of the project to approximately 285 feet west of Admiralty Way, which is consistent with the site plan. Relocate any affected utilities.
- 1.11 Construct curb, gutter, and sidewalk 30 feet from the centerline on Mindanao Way from approximately 285 feet west of Admiralty Way to Admiralty Way, which is consistent with the site plan. Relocate any affected utilities.
- 1.12 Construct curb, gutter, and sidewalk 33 feet from the centerline on Admiralty Way, along the property frontage, which is consistent with the site plan. Relocate any affected utilities.
- 1.13 Construct curb, gutter, and sidewalk 26 feet from centerline on Bali Way, along the property frontage, which is consistent with the site. Relocate any affected utilities.
- 1.14 Provide a minimum 5-foot-wide sidewalk within the public right of way at all locations along the property frontage. Any above-ground obstructions within the sidewalk area will require sidewalk pop-outs.

- 1.15 Construct driveway approaches at the project site to comply with current ADA guidelines. Relocate any affected utilities. Please note the driveways may need to be depressed at the back of the walk. Any difference in grade as a result of this depression will need to be accommodated on-site.
- 1.16 Construct an 8-foot-wide sidewalk along the south side of Mindanao Way from 285 feet west of Admiralty Way to Admiralty Way. Additionally, it shall be the sole responsibility of the applicant to acquire the off-site dedication/set aside of an additional 4 feet of road right of way to provide 31 feet of road right of way (from centerline) on Mindanao Way to accommodate the new sidewalk.
- 1.17 Median opening modifications will be required along Admiralty Way, Bali Way, and Mindanao Way to accommodate the proposed driveways, the existing driveways at the bike path crossings, and to be consistent with the site plan and the mitigations from the approved traffic impact analysis, to the satisfaction of Public Works and Beaches and Harbor.
- 1.18 Relocate the existing driveway entrance to Parking Lot 5 (Parcel UR) on the north side of Bali Way to align with the project's proposed driveway across the street. The relocation of the existing driveway shall be the sole responsibility of the applicant.
- 1.19 Reconstruct any damaged pavement with asphalt and base from centerline to the edge of gutter on Admiralty Way, Bali Way, and Mindanao Way along the property frontage. Additional pavement reconstruction may be required to properly join the existing pavement beyond the centerline. If Beaches and Harbors requires additional pavement reconstruction beyond the centerline, the applicant will be credited for the additional work from Beaches and Harbors.
- 1.20 Comply with the mitigations and fair share requirements set forth in the approved Traffic Impact Analysis letter from Public Works' Traffic and Lighting Division dated February 27, 2015.
- 1.21 Relocate impacted street lights as a result of the street improvements requirements along the project frontage on Admiralty Way, Bali Way, and Mindanao Way. A street lighting plan will be required. Please contact Traffic and Lighting Division's Street Lighting Section at (626) 300-4705 for design requirements and processing of street lighting plans. A review fee will be required.

- 1.22 Plant street trees along the property frontage of Admiralty Way, Bali Way, and Mindanao Way. On-site trees in the close proximity of the parkway can be substituted in lieu of parkway trees if determined to be acceptable by Public Works and Beaches and Harbors.
- 1.23 Install speed humps in both directions of the approach to the bike path crossing on Mindanao Way and Bali Way, subject to the requirements and approval of Public Works, Beaches and Harbors, and the Fire Department.
- 1.24 Install traffic control devices and pavement markings/enhancements for the bicycle crossing on both Bali Way and Mindanao Way.
- 1.25 Install traffic control devices for pedestrian crossings at the bicycle path on Bali Way and Mindanao Way.
- 1.26 Submit a signing and striping plan to Traffic and Lighting Division for review and approval as a means of mitigating any direct traffic impact along the project frontage and other off-site mitigations as identified in the approved Traffic Impact Analysis letter from Traffic and Lighting Division dated February 27, 2015 (see attached).
- 1.27 Submit a traffic signal plan to Traffic and Lighting Division for review and approval as a means of mitigating any direct traffic impact along the project frontage and other off-site mitigations as identified in the approved Traffic Impact Analysis letter from Traffic and Lighting Division dated February 27, 2015. (See attached)
- 1.28 Submit the impact fees for the Marina del Rey Local Coastal Program to the Public Works Marina del Rey Local Coastal Program Transportation and Improvement Program Account S4M as identified in the attached Traffic and Lighting letter dated February 27, 2015, prior to the issuance of grading permit (see attached).
- 1.29 Submit street improvement plans to Public Works' Land Development Division for review and approval and acquire street plan approval before obtaining a grading permit.
- 1.30 Execute an Agreement to Improve for the street improvements prior to issuance of a grading permit or a building permit, whichever comes first.

For questions regarding the road conditions, please contact Sam Richards of Land Development Division at (626) 458-4921 or srich@dpw.lacounty.gov.

2. Drainage/Grading

- 2.1 Submit a grading plan to Public Works for review and approval that complies with the approved hydrology dated August 8, 2014, or the latest revision. The grading plan must show and call out the following items including, but not limited to, construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, MS4 permit and Low-Impact Development (LID) devices (if applicable), and any required landscaping and irrigation systems. Acknowledgement and/or approval from all easement holders may be required.
- 2.2 Acquire permits and/or letters of nonjurisdiction from all State and Federal agencies, as applicable. These agencies may include, but may not be limited to, the California Coastal Commission; State of California Regional Water Quality Control Board; State of California Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR); and the Army Corps of Engineers.
- 2.3 Comply with the LID standards, per County Code Section 12.84.440, in accordance with the LID Standards Manual, which can be found at <http://dpw.lacounty.gov/ldd/web/forms.aspx>.

For questions regarding drainage/grading condition Nos. 2.1 and 2.2, please contact Mr. Richards at (626) 458-4921 or srich@dpw.lacounty.gov.

For questions regarding drainage/grading condition No. 2.3, please contact Toan Duong of Land Development Division at (626) 458-4921 or tduong@dpw.lacounty.gov.

3. Waterworks

- 3.1 Construct water system improvements and comply with the requirements of the Los Angeles County Fire Department and Department of Public Works' Waterworks Division, District No. 29. The applicant shall sign and execute an agreement statement and submit design water plans for review and approval prior to the issuance of a grading permit. Applicant fees, per Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System, will be required for the engineering, inspection, and connection fees (see attached).

For questions regarding the waterworks condition, please contact Tom Eng of Waterworks Division at (626) 300-3355 or teng@dpw.lacounty.gov.

Samuel Dea
August 25, 2015
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4. Sewer

- 4.1 Dedicate, through the set aside process, adequate sewer easements to the Consolidated Sewer Maintenance District for the continued maintenance and operation of the sewer facilities within the project. The set aside sewer easements shall be 10 feet wide (5 feet on each side of the centerline of the sewer lines). The set aside easements must be recorded prior to the issuance of a grading permit. A review fee will be required for the deed preparation and process.

For questions regarding the sewer condition, please contact Anna Marie Gilmore from Public Works' Sewer Maintenance Division at (626) 300-3360 or agilmore@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz of Land Development Division at (626) 458-4910 or rcruz@dpw.lacounty.gov.

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Attach.